

## COMMISSION ON TEACHER CREDENTIALING

1812 Ninth Street

Sacramento, California 95814-7000

(916) 445-7254

95-9521



DATE: December 15, 1995

TO: All Individuals and Groups Interested in the Activities of  
the Commission on Teacher Credentialing

FROM: Ruben L. Ingram, Ed. D. *RL*  
Executive Director

SUBJECT: Proposed Amendments to Sections 80600, 80603, and  
80606 and Addition of 80601 of Title 5, California Code of  
Regulations, Pertaining to Validation of Service Rendered  
without a Valid Credential

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

February 1, 1996  
1:30 p.m.  
Clarion Hotel  
700 16th Street  
Sacramento, California

**Statement of Reasons**

Validation of service requests are submitted to the Commission when certificated employees were eligible for the appropriate certification required for a position but did not actually hold the needed credential or Temporary County Certificate during the period they performed the service. Requesting a validation of service indicates that individuals are being placed in certificated positions without employers requiring confirmation that the individuals hold, qualify for, and/or have applied for appropriate certification. Employers who place educators in certificated positions based on either possession of a valid credential or issuance of a Temporary County Certificate have taken steps to

determine that individuals have met all academic and professional conduct requirements for the credential. Employers who hire individuals without either of these, are doing so at the risk of placing an unqualified individual in the classroom.

The validation of service requests are made after it has been discovered by the employer that an individual has already been placed in a position that requires certification. This means that the individuals have already been teaching the children, counseling the children or administering programs for children without the employers confirming that they are qualified. The Commission feels strongly that the public school districts and county offices of education are responsible to the children they serve. They need to make certain that they are employing only qualified educators. The Commission also realizes that this is not a perfect world and sometimes things are overlooked. Not verifying that a veteran employee has submitted a renewal application for a clear credential is one thing, but not verifying the eligibility of a new employee or the completion of academic renewal requirements of others is unacceptable.

The Commission is proposing these changes based not only on staff recommendations but also on the advice of the Personnel Services Steering Committee, which includes representatives from seven county offices of education. The amendments and additions will result in the following changes:

§80600. General Provisions Governing Validation of Service:

Section 80600 has been re-titled "General Provisions Governing Validation of Service" to more accurately describe the proposed content. This section includes definitions of terms used in the proposed regulations and information regarding which entities may submit validation of service requests.

Sub-section (a) currently describes who is allowed to request a validation of service. As proposed, the list of entities who may request this have been moved to §80600(b), and for added clarity, sub-section (a) will define terms used within these regulations.

Sub-section (b) currently describes the information that must be submitted with each validation of service request. In the proposal, this information has been moved to §80601(b). As amended, sub-section (b) indicates those authorized to request a validation of service. It clarifies that the request for validation of service would be made by the chief administrative officer of a public school district or county office of education in California. It would no longer allow individuals to make

this request because they would not be able to furnish all of the required information. This information could only be supplied by their employers.

§80601. General Requirements For Validation of Service Requests:

The addition of section 80601 will incorporate and update information contained in the current §80600 and §80603. This section will allow an employing agency to submit a validation of service request if the individual did not hold the appropriate credential or was not covered by a temporary county certificate. It also requires the following:

Sub-section (a), as proposed, states that Commission staff will insure that the individual was qualified for the needed credential during the period of service in question and that the individual has subsequently obtained a credential that authorized such service. These are required by Education Code §45036.

Sub-section (b), as proposed, describes the information that must be completed on the validation of service request form CL 224 (revised 10-95). The information includes identifying information regarding the employee, the reason the employer allowed the individual to begin service without the appropriate credential, verification from the employee that the credential needed has been requested, and verification from the county office of education regarding the status of any temporary county certificate. The information needed is, for the most part, the same as that required under the current §80600(b), except the county office of education will no longer need to include a reason for issuing any pay warrant, but will need to give the status of any temporary county certificate. The information regarding the temporary county certificate is needed in order to determine the necessity for the validation of service request.

Sub-section (c), as proposed, requires that all supporting materials that are needed to substantiate the request are included with the validation of service request.

§80603. Ineligibility for Approval

The current §80603, entitled Action Upon Receipt of Request, requires that, based on the information submitted, the Commission verify that the individual qualified for the appropriate credential during the period of service and that the credential authorizing this service has been obtained. This is contained in the proposed §80601.

The proposed amendments to §80603 would delineate the reasons for denying a validation of service request. It has been re-titled

Ineligibility for Approval to more clearly identify the contents. The reasons for denying these requests are the following:

§80603(a): The individual was not eligible for the needed credential during the period of service requested. Education Code §45036 requires that the individual be eligible for the needed credential during the time requested by the validation of service.

§80603(b): The individual was only granted a credential for which he or she would not have been eligible during the period requested. An example would be an individual who was only eligible for a preliminary Multiple Subject Teaching Credential during the period requested but then applied for a professional clear Multiple Subject. It would be unfair to individuals that have been conscientious and applied for the appropriate credentials when they were required to do so.

§80603(c): The individual is only eligible for an emergency permit or waiver that would authorize the service. Individuals are employed on the basis of emergency permits and waivers when employers are having a difficult time filling positions with fully certificated educators. The requirements for emergency permits and waivers are considerably less than those required for full credentials. Because of this, the Commission does not feel that it would be appropriate to validate service based on qualifying only for these documents.

§80603(d): The individual does not meet the renewal requirements for the needed credential and neither appealed for extension of the credential or had his or her employer apply for an appropriate emergency permit or waiver to cover the period of service. Permitting individuals to validate service when they could have qualified for the continuation of the authorization based only on an appeal for an extension of time, an emergency credential, or waiver would be unfair because it allows these individuals additional time not given to others to complete needed requirements and still allows these individuals the opportunity to request an appeal.

§80603(e): The individual performed the service prior to applying for his or her initial California credential which authorizes service. The Commission feels strongly that the employers are responsible for determining that new employees qualify for appropriate certification prior to allowing them to serve the students of California. Requesting a validation of service for these individuals indicates they are being placed in positions without employers requiring that they be provided with sufficient documentation to show that they hold, qualify for, and/or have applied for appropriate certification. Also, when

individuals initially apply for certification, they must submit fingerprint cards. These cards are then processed through the California State Department of Justice and the Federal Bureau of Investigation to determine if they have any criminal record. Individuals who do not hold previous certification, yet are serving in a position, would not have any such clearance on file with the Commission. Nor, as with the temporary county certificate, have these individuals made any statement regarding a possible prior criminal record.

§80603(f): The validation of service request can be for no more than a period of six months unless there are extreme extenuating circumstances. A request for a validation of service indicates that individuals are being placed in positions requiring certification without employers verifying the individuals qualifications for the appropriate certification. To allow an individual to remain in a position for any length of time without doing this is irresponsible and decidedly not in the best interest of the children of California.

§80603(g): The request for validation of service made more than six months after the last date of the period requiring validation. The Commission feels that it is essential that employers submit the validation of service requests in a timely manner so that both average daily attendance reports to the California State Department of Education and monitoring required by Education Code §44258.9 are accurate.

#### §80604. Determination of Approval.

The section entitled "Determination of Approval", currently Section 80606, has been revised and renumbered as Section 80604. This section, both currently and proposed, details the procedure for determining approval or denial of a validation of service request and the actions that must be taken in each situation. The proposed changes more clearly indicate the Commission procedures for processing the validation of service requests and delineates the responsibilities of the Commission, Executive Director, and Commission staff more clearly. It also makes the following changes:

§80604(a): The proposal reflects the 1992 revision of Education Code 44220, by amending the name of the position of Executive Secretary to Executive Director.

§80604(b): This currently requires the Commission not to continue processing a validation of service request until an appropriate credential has been issued. This is reflected in the proposed §80601(a)(2) and §80603(a). The proposed §80604(b) would require employers to submit, within 30 days from the Commission's request,



any needed information or documentation not originally submitted with the validation of service request.

§80604(c): Currently, this sub-section allows a response time of 60 days for submission of additional needed information. This has been reduced to 30 days in the proposed §80604(b) because the Commission feels that this is ample time to respond to the request. The proposed §80604(c), requires the Commission to deny any case not responded to within the 30-day period and to notify the employing school district and, for monitoring purposes, the responsible county superintendent of schools and the State Superintendent of Schools.

§80604(d): The addition of this sub-section will require the Commission staff to notify the employing school district and the appropriate county superintendent of schools and the State Superintendent of Schools of any denied requests for validation of service.

### **Documents Relied Upon in Making Determination to Change These Regulations**

#### **Surveys of Validation of Service Requests**

#### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on January 31, 1996.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### **Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing.

**Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact Dr. Ruben L. Ingram at (916) 445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**Modification of Proposed Actions**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Mark McLean, telephone (916) 323-7500. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the proposed action written in plain English, at the eight grade level. In addition, all the information upon which this proposal is based is available for inspection and copying.

**Attachments**

COMMISSION ON TEACHER CREDENTIALING

DIVISION VIII OF TITLE 5  
CALIFORNIA CODE OF REGULATIONS

PROPOSED AMENDMENTS TO SECTIONS 80600,  
80603, & 80606 AND ADDITION OF 80601

PERTAINING TO VALIDATION OF SERVICE RENDERED  
WITHOUT A VALID CREDENTIAL

**Title 5 §80600. ~~Request for Approval of Service~~ General Provisions Governing Validation of Service**

The provisions of this section shall apply to all validation of service requests specified in Sections 80601, 80603, and 80604;

(a) A person, governing board, or county superintendent described in Education Code Section 45036 may request the Commission for Teacher Preparation and Licensing to approve the rendering of service by a person described in said section. Terms that are used in Sections 80601, 80603, and 80604, inclusive, are defined as follow:

(1) The term "credential" means any credential, life diploma, permit, or document issued by, or under the jurisdiction of, the Commission which entitles the holder thereof to perform services for which certification qualifications are required.

(2) "Applicant" is the individual for whom a validation of service request is submitted.

(3) The term "employing agency" means the school district or county office of education which submits a validation of service request to the Commission.

(4) The term "temporary county certificate" refers to the definition in Education Code §44332 for the certificate issued by a county office of education for the purpose of authorizing salary payments to certified employees whose credential applications are being processed.

(5) "Average Daily Attendance" refers to the definition in Education Code §46300 regarding the attendance of pupils engaged in educational activities required of those pupils under the immediate supervision and control of an employee of the district or county office of education who possessed a valid certification document.



~~(b) The request pursuant to subsection (a) shall: The following entities may submit validation of service requests. Each request shall be submitted on behalf of the applicant.~~

~~(1) Be on a form provided by the Commission; The chief administrative officer of a public school district in California.~~

~~(2) Include a statement by the chief administrative officer of the district in which the service was rendered or by the county superintendent of schools if the service was rendered for his office; The chief administrative officer of a county office of education in California.~~

~~(A) Such statement shall give the reason for allowing the person to begin the services rendered and to continue during the period in question without having either the appropriate credential on file with the county superintendent of schools or a temporary certificate issued in accordance with Education Code Section 44332.~~

~~(B) If a warrant has been issued by the county superintendent of schools for the service, the request shall include a statement of the county superintendent giving the reason the warrant was issued in the absence of such a credential or county certificate.~~

~~(3) Include a statement of the person who rendered the service that a valid credential required for such position has been issued to him or her after the service was rendered or that he or she has filed his application therefor; and,~~

~~(4) When the request is made by the person who rendered the service or by a governing board, be approved by the county superintendent of schools having jurisdiction over the district in which the service was rendered and be forwarded by his office~~

NOTE: Authority cited: Section 45036, Education Code.

### **Title 5 §80601. General Requirements For Validation of Service Requests.**

When an employing agency finds that an individual has rendered service in a position requiring certification during a period in which the individual did not either hold the appropriate certification or a temporary county certificate pursuant to Education Code §44332 to cover the service, the

employing agency may submit a validation of service request to the Commission.

The following requirements apply to all requests for validation of service. Prior to approval, Commission staff shall verify that the provisions of Education Code §45036 have been met.

(a) Staff shall determine whether the following conditions have been met:

- (1) At all times during the period of service in question, the applicant had the necessary qualifications for the credential required by law for the position in which the service was rendered.
- (2) A valid credential required for such position has been issued to the applicant by the Commission after the period of service to be validated was rendered.

(b) Each validation of service request must be submitted on form CL 224 (revised 10-95) provided by the Commission. The information on the form will include the following:

- (1) The name, address, social security number, and birthdate of the applicant.
- (2) The name of the employer, the position the applicant held during the period requiring validation, the specific type of certification required for that position, and the specific dates of service requiring validation.
- (3) The employing agency must indicate the appropriate reason for the request for validation on the form and/or include a statement why the applicant was allowed to begin service and continue to serve without having the appropriate credential or temporary county certificate. The explanation either on the form or a separate statement must be signed by the chief administrative officer of the district for which the service was rendered or the chief administrative officer of the county if the service was rendered for the county office of education.
- (4) The applicant must verify that he or she has applied for or has been issued the credential required for the position for which the validation of service request has been made, the facts contained in the request are true, and the applicant approves of the employer's request for validation of service.

- (5) The chief administrative officer or an appropriate representative of the chief administrative officer of the county office of education must verify whether or not a temporary county certificate was issued to cover the period of service in question.
- (c) Supporting materials necessary to verify that the individual qualified for the appropriate certification must be submitted along with the request for validation of service form CL-224. Such materials may include but not be limited to official transcripts, verification of the date of program completion from the authorized person at a Commission-approved college or university, or original letters of experience.

NOTE: Authority cited: Section 45036, Education Code.

**Title 5 §80603. Action Upon Receipt of Request Ineligibility for Approval**

~~Upon receipt of request, the Commission for Teacher Preparation and Licensing shall ascertain from its files whether:~~The Commission will not approve a validation of service request if one or more of the following conditions have been determined to be true.

- (a) ~~At all times during the period of service in question the person rendering the service has, in fact, the necessary qualifications for the credential required by law for the position in which the service was rendered;~~The applicant was not eligible for the credential authorizing the service performed during the period for which the validation of service is sought.
- (b) ~~A valid credential required for such position has been issued to such person after the period when such service was rendered.~~The applicant was not eligible for the specific type and term of the credential he or she has been issued as specified in section 80601(a)(2).
- (c) The applicant was only eligible for an emergency permit as specified in Sections 80023, 80025, and 80027, or a waiver document as specified in Section 80121 that would authorize the service performed during the period the service was rendered.
- (d) The applicant did not meet the academic requirements for renewal of the required credential and only may have qualified to remain in the position based on an appeal per Title 5, Section 80523 to extend the valid date of the credential, an emergency permit as specified in

Sections 80023, 80025, and 80027, or a waiver document as specified in Section 80121.

- (e) The service was rendered prior to the date the applicant made application to the Commission for his or her initial California credential which authorizes service.
- (f) The period of service requested to be validated exceeded six months unless the employing agency verifies and submits documentation of compelling circumstances why the request is for more than a six month period. Such circumstances as clerical oversight or failure on the part of the applicant to submit an application including verification of completion of requirements to the Commission or the employing agency will not be accepted.
- (g) The validation of service request is received by the Commission more than six months after the last date of the period requiring validation.

NOTE: Authority cited: Section 45036, Education Code.

**Title 5—~~§80606~~ §80604. Determination of Approval.**

- (a) If ~~items (a) and (b) of~~ all of the conditions set forth in Sections 80601 and 80603 are so have been confirmed the request and the confirmation for approval shall be reported to the Commission by way of the regular agenda process at its earliest meeting following such confirmation. At that meeting the Commission shall determine whether the rendering of the service should be approved. If approved, the Executive ~~Secretary~~ Director of the Commission shall notify the ~~teacher applicant, the school district superintendent, the county superintendent of schools, the State Board of Education, and the county superintendent of schools~~ State Superintendent of Schools that the rendering of such service has been approved in accordance with Education Code Section 45036 and is fully legal for all purposes. Payment for such service is authorized upon the receipt of such notice.
- (b) When item (a), but not item (b), of Section 80603 is confirmed, and the request shows application for, but not issuance of, the credential described in Section 80603, subsection (b), the Commission, as soon as the credential has been issued, shall proceed as specified in subsection (a) of this section it cannot be determined from the materials submitted whether or not an applicant has met the conditions specified in Section 80601(a) or that the conditions specified in Section 80603 do not apply, the validation of service request will be returned to the employing agency for additional information. If the required

evidence is supplied within 30 days from the mailing of that notice, the approval procedure shall be implemented as specified in subsection (a) of this section.

- (c) When item (a) of Section 80603 cannot be so confirmed, the Commission shall so notify the applicant, specifying the qualifications which cannot be confirmed from its files and requesting the applicant to supply evidence that he possesses them. If within 60 days from the mailing of that notice the evidence is supplied, the Commission shall proceed as specified in subsection (a) of this section. If within such 60-day period the evidence is not supplied, the Commission may allow more time for submission of evidence or shall deny the request for such validation. If the required evidence referred to in section 80604(b) is not returned to the Commission within such 30-day period, the employing agency will be notified in writing that the validation of service request has been denied. A copy of the denial letter will be sent to the county superintendent of schools and the State Superintendent of Schools for the purpose of monitoring average daily attendance in accordance with Education Code §46300.
- (d) If any of the conditions set forth in Section 80601(a) have not been met or any of the conditions set forth in Section 80603 apply, staff will send a letter to the employing agency stating that the request has been denied. A copy of the denial letter will be sent to the county superintendent of schools and the State Superintendent of Schools for the purpose of monitoring average daily attendance in accordance with Education Code §46300.

NOTE: Authority cited: Section 45036, Education Code.



**COMMISSION ON TEACHER CREDENTIALING**

1812 Ninth Street  
Sacramento, California 95814-7000  
(916) 445-0184  
FAX (916) 327-3166



Attn: Ruben L. Ingram, Ed.D.  
Executive Director

Title: Validation of Service Rendered Without a Valid Credential  
Section Nos.: 80600, 80601, 80603, & 80606

**Response to the Attached Title 5 Regulations**

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address by 5 pm on January 31, 1996, in order that the material can be presented at the February 1, 1996 public hearing.

1. ☐ Yes, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
2. ☐ No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
  
3. ☐ Personal opinion of the undersigned. and/or
4. ☐ Organizational opinion representing: \_\_\_\_\_  
(Circle One) School District, County Schools, College, University, Professional Organization, Other
5. ☐ I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
6. ☐ No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_